THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 2459 of 2003

O r d e r:

The petitioner states that with the oral permission of the railway authorities, he established a Pan Shop on Raj Bhavan Road, in the land belonging to the Railways, near Raj Bhavan Road. He claims to have been running the Pan Shop for the last 15 years, and by obtaining electricity connection, he is also paying the electricity consumption charges. While so, the petitioner states that the authorities of the respondents, namely Municipal Corporation of Hyderabad, without issuing any notice and without following the due process of law, threatened to remove the Pan Shop. The petitioner is assailing this action of the respondents in this writ petition, as being illegal and arbitrary.

The learned counsel for the petitioner submits that since the
Pan Shop of the petitioner is situated in the land belonging to the Railways, and having regard to the fact that he has been paying electricity consumption charges, the respondents have no right whatsoever to displace him.

The submission of the learned counsel for the petitioner is misplaced. The petitioner, admittedly, is an encroacher of Government land, and he has no right whatsoever to continue to squat on the encroachment. Merely because the petitioner has erected the Pan Shop with the oral permission of the Railway authorities, and merely because he has been paying electricity consumption charges, it does not mean that such permission or such payment of electricity charges, have conferred title upon him. Electricity consumption charges, are collected for the electricity supplied by the A.P.S.E.B. to the Pan Shop of the petitioner, and such payment of electricity consumption charges, and at any rate, it does not confer any right or title to the petitioner over the property to which the electricity is supplied. The petitioner having erected the Pan Shop within the jurisdiction of the respondents and without their permission, cannot be allowed to contend that the respondents have no manner of right whatsoever to interfere with his Pan Shop or direct him to remove the

Pan Shop, and more so when he is an encroacher. In **Mohd. Miskinavelli v. Visakhapatnam Municipal Corporation**, a learned Judge of this Court held that having regard to the provisions of Section 405 of the Hyderabad Municipal Corporation Act, 1955 the Corporation is entitled to evict the encroachers without issuing any notice, and that payment of electricity charges do not confer any right to continue to stay on the encroached land. In that view of the matter, no exception can be taken to the action of the respondents in seeking to displace the petitioner from the land encroached by him.

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N.V. RAMANA, J.

Date: 22nd November 2005.

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